(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 701 /2002

PETITIONER : Welcome Distillery Pvt. Ltd.,
Through it's Director
Shri Subhash Jayaswal,
Aged about 38 years
S/oLate Ganesh Prasad Jayaswal,
R/o High Court Road,
Bilaspur (C.G.)

- Versus-

RESPONDENTS : 1. State of Chhattisgarh,
Though Secretary,
Department of Excise,
Mantralay, Shastri Chowk,
Raipur.

2. Excise Commissioner,
Shiv Bhawan,Bairang Bazar,
Raipur (C.G.)

3. Kedia Castle Delleon Industries
Ltd. through it's Managing
Director, Kedia Nagar, Kumhari,
Durg (C.G.)

4. Som Distilleries Pvt. Ltd.Through
its Managing Director, Raisen
Raisen (M.P.)

P. R. No. 704/02
Presented by Shri Rishi Kumar
dated 5.4.02

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

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CLERK TO A.G. BILASPUR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 701/02

आदेश पत्रक

W.P. No. 635/02

मामला क्रमांक ..... सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7-5-2003

Shri Prashant Jaiswal and Shri Manindra Shrivastava, Advocates for the petitioner.

Dr. N.K. Shukla, Addl. Advocate General with Shri Ranbir Singh, G.A. for the respondents No. 1 and 2/State.

Shri Kishore Bhaduri, Adv. for respondent No. 3.

Shri P. Diwakar, Adv. for respondent No. 4.

With consent, heard finally.

This petition and W.P. No. 635/2002 are being heard analogously.

Both these petitions are regarding country sprit in sealed bottle for which tenders were invited and petitioner and Respondents No. 3 and 4 submitted their tenders.

It is contended by Shri Prashant Jaiswal that their tender was lowest. However their claim is disputed by respondents No. 3- Kedia Castle Delleon Industries Ltd. and respondent No. 4 Som Distilleries Pvt. Ltd. The contention of respondents No. 3 and 4 is that the petitioner is not eligible. Shri Prashant Jaiswal contended that Respondent No. 3- Kedia Castle Delleon Industries Ltd. is a sick industry and it does not have the required capacity to fulfill the requirement of the tender. He further contends that Som Distilleries is not capable for the work and is not eligible.

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XI-HC-22

(113)

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W.P. No. 635/2002 has been filed by Kedia Castle Delleon Industries Ltd. against the State of Chhattisgarh and respondent No.2 Som Distilleries and respondent No. 3-Welcome Distilleries, Bilaspur. The petition was filed before issuance of work order. Subsequently the State has issued work order of various quantity to Welcome Industries for Raigarh, Kedia Castle Delleon Industries Ltd. for Raipur, Kedia Castle Delleon Industries Ltd. for Korba and Som Distilleries for Bilaspur. Initially the work order was granted in April 2002 for the period of two years.

In these case, returns have been filed. Earlier these cases were listed on 14-5-2002 and were directed to be listed after vacation. However, because of huge work and pendency, they ~~have~~ are now listed today in special mention. Hearing of these matters would take a long time and ensuing Summer Vacation are starting from 12-5-2003.

Shri Prashat Jaiswal submitted that the Excise Commissioner may be directed to decide the representation of the parties within a stipulated period.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served if a direction is given to the parties that they may submit representations if so desire,

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 701/2002

आदेश पत्रक

W.P. 635/02

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

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before the Excise Commissioner within 10 days from today and on such representations being filed, the Excise Commissioner shall decide the same by a written order within a period of one month from the date of their representation. It is further directed that during this period, the status quo as it exists today regarding supply shall continue.

It is made clear that if the parties still feel aggrieved by the decision on the representation, they may file petition afresh.

With these observations, the petitions are disposed of.

Before parting, this Court appreciates the efforts made by the counsel for the parties.

In view of the M.W.Ps. and I.As. if any, stand disposed of.

C.c. as per rules.

Sd/-
Fakhruddin
Judge

P/-

Pathak

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